

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ATTICUS MANAGEMENT LLC,

Plaintiff,

Civil Action No. 07 CV 9730 (RPP)

-against-

NOTICE OF MOTION

ATTICUS INVESTMENTS LLC,
CRESCENT FUND, LLC, JEFFERY STONE
and JANETTE DILLER STONE

Defendants.
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PLEASE TAKE NOTICE that, upon the accompanying declaration of Jonathan B. Bruno and memorandum of law, both dated February 26, 2008, plaintiff will move this Court before the Hon. Robert P. Patterson, at a time and place to be set by the Court, for a judgment by default pursuant to Fed R. Civ. P. 55(b)(2) and Local Civil Rule 55.2(b), against defendants Atticus Investments LLC, Crescent Fund, LLC, and Janette Diller Stone, in the form of a permanent injunction restraining defendants from further violations of the Lanham Act, state trademark and unfair competition law and common law and such other and further relief as this Court deems just and proper.

Dated: New York, New York
February 26, 2008

KAUFMAN BORGEEST & RYAN LLP



By: Jonathan B. Bruno
Attorney for Plaintiff,
ATTICUS MANAGEMENT LLC
99 Park Avenue, 19th Floor
New York, New York 10016
Telephone No.: (212) 980-9600
KBR File No.: 125.001

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing NOTICE OF MOTION, MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT, and DECLARATION OF JONATHAN B. BRUNO, was served via REGULAR MAIL on the 26th day of February 2008 upon:

Janette Diller Stone
362 Davis Ave. #1
Greenwich, CT 06830

The Crescent Fund, LLC
67 Wall Street, 22nd Floor
New York, NY 10005

The Crescent Fund, LLC
110 Wall Street, 11th Floor
New York, NY 10005

Atticus Investments, LLC
67 Wall Street, 22nd Floor
New York, NY 10005

Atticus Investments, LLC
110 Wall Street, 11th Floor
New York, NY 10005


Jonathan B. Bruno